

REMARKS

Reconsideration of this application is respectfully requested.

Upon entry of the foregoing amendments, claims 1-17 are pending in the present application, with claims 1, 6, and 11 being the independent claims. Claims 1 and 6 have been editorially amended to more clearly recite the claimed invention. New claims 7-17 have been added. Based on the above amendments and following remarks, Applicant respectfully requests that all outstanding objections and rejections be withdrawn.

The Office Action on page 2 objects to the disclosure, and requests that the status of the parent application be updated. Applicant has editorially amended the specification to update the status of the parent application. Accordingly, Applicant respectfully requests that this objection be withdrawn.

The Office Action on page 2, rejects claims 1, 5, and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,446,822 to Meyers et al. Specifically, the Office Action asserts that Meyers shows a package for dispensing a liquid product comprising an outer shell 12, liner 30, dispensing structure 70 and orifice 24. Applicant respectfully traverses this rejection because, as amended, claims 1, 5, and 6 do not teach or suggest each and element of the claimed invention.

As amended, independent claim 1 recites an "inner liner being simultaneously formed with said outer shell so as to be readily separated from said sidewall and said base wall of said outer shell." According to an exemplary embodiment of the invention, a container, including the shell and liner, are formed in a plastic extrusion blow molding operation. See, specification, page 5, lines 20-21. In such an embodiment, the shell and inner liner are formed simultaneously. Further, the outer layer may be of a plastic material that is incompatible with the plastic material of the inner surface of the shell so that the liner is readily separated from the shell as product is dispensed within the container. See, specification, page 6, lines 1-3. Accordingly, the recited inner layer is

"simultaneously formed with said outer shell so as to be readily separated from said sidewall and said base wall of said outer shell."

Meyers does not teach or suggest the recited inner liner. Instead, Meyers teaches a collapsible bag 30 that is held in place at its open upper edge by the top end cap and upper end of the shell. See, Meyers, cols 2-3, lines 67-1, respectively. As is generally known in the baby bottle art, such a collapsible bag is removable from the shell and thus inserted prior to filling. Accordingly, such a collapsible bag is not simultaneously formed with said outer shell in a manner so as to be readily separable from said sidewall and said base wall of said outer shell. Hence, claim 1 is not anticipated by Meyers because Meyers does not teach or suggest the recited inner layer.

Claim 5 depends from claim 1 and is allowable for at least the reason that it depends from an allowable claim.

Claim 6, as amended, recites similar features as amended claim 1. Specifically, claim 6 now recites an inner layer that is "simultaneously formed with said outer shell so as to be readily separated from said sidewall and said base wall of said outer shell." Accordingly, claim 6 is allowable for at least similar reasons as discussed above with respect to claim 1.

In view of the above, Applicant respectfully requests that this rejection be withdrawn.

The Office Action on page 2-3 rejects claims 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,446,822 to Meyers et al. Applicant respectfully traverses this rejection.

Claims 2 and 4 depend variously from claim 1. As discussed above, claim 1, as amended, recites an inner liner that is "simultaneously formed with said outer shell so as to be readily separated from said sidewall and said base wall of said outer shell." Further, as discussed above, Meyers does not teach or suggest the recited inner liner. Accordingly, claims 2 and 4 are allowable for at least the reason that they are dependent from an allowable claim.

In view of the above, Applicant respectfully requests that this rejection be withdrawn.

The Office Action on page 3 rejects claim 3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,446,822 to Meyers et al. in further view of U.S. Patent No. 5,125,534 to Rose et al. Applicant respectfully traverses this rejection. Claim 2 depends indirectly from claim 1. As discussed above, claim 1, as amended, recited an inner liner that is "simultaneously formed with said outer shell so as to be readily separated from said sidewall and said base wall of said outer shell." Further, as discussed above, Meyers does not teach or suggest the recited inner liner. Rose does not cure this deficiency. Instead, Rose teaches a beverage flavoring and dispensing apparatus for dispensing selected flavoring ingredients for coffee, tea, hot chocolate, bouillon, etc. in consumable fluids. Such an apparatus is not "simultaneously formed with said outer shell so as to be readily separated from said sidewall and said base wall of said outer shell." Hence, claim 3 is allowable over the cited combination of Meyers and Rose.

In view of the above, Applicant respectfully requests that this rejection be withdrawn.

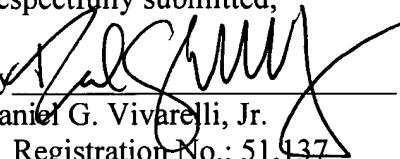
CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: March 29, 2005

Respectfully submitted,

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DC2/624140